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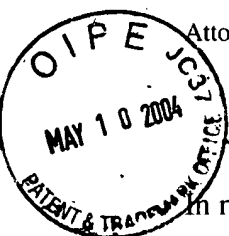
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Attorney Docket No.: P15397XR

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Robert W. Heath Jr., et al.

Examiner: TBD

Application No: 10/678,053

Art Unit: ~~TBD~~ 2634

Filed: October 2, 2003

For: Methods of Controlling
Communication Parameters of
Wireless Systems

From Patent: 6,298,092

Issued: October 2, 2001

Filed: June 2, 2000

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Petition under 37 CFR §1.47(a)

Dear Sir:

This Petition including the following Statement of Facts is offered to request that the Assignee be permitted to prosecute a reissue application (10/678,053) in the absence of an inventors signature on a reissue application declaration (PTO/SB/51). In particular, the following facts and associated evidence demonstrates that, after diligent effort, the Assignee Intel Corporation has been unable to locate inventor Peroor K. Sebastian to execute the reissue declaration.

Accordingly, Applicant is filing this Petition pursuant to 37 CFR §1.47(a) along with the prescribed fee (§1.17(h)) and a request for a 3 month extension of time. In view of the following

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facts, Applicant respectfully requests that this petition be granted, and that the Assignee be permitted to prosecute the reissue application without the participation of Peroor K. Sebastian.

STATEMENT OF FACTS

- Intel Corporation is the current owner of all Rights in and Title to United States Patent 6,298,092. Intel Corp. filed a Recordation of Assignment with the USPTO in April of 2003, but such Assignment has yet to be recorded (see, e.g., paperwork filed with reissue application establishing Assignment).
- In 2003, due to identified shortcomings in the issued patent, Intel Corporation deemed it necessary to pursue a reissue application for USP 6,298,092. The reissue application was assigned to Michael Proksch (Reg. No. 43,021), Sr. Patent Counsel for Intel Corp. for preparation and prosecution.
- In support of the reissue application, Mr. Proksch began identifying the availability and support of the inventors, none of whom work(ed) for Intel Corp.
- As a result of this effort, Mr. Proksch was able to obtain the approval and signatures of inventors Heath and Paulraj (see, e.g., accompanying executed reissue declarations).
- To determine the current whereabouts of the third and final inventor, Peroor K. Sebastian, Mr. Proksch contacted some former colleagues of Sebastian's to identify contact information (see, e.g., evidentiary item A).
- In response, Mr. Proksch was provided the last known email address for inventor Sebastian (see, e.g., evidentiary item B).
- In November, 2002, Mr. Proksch attempted to contact inventor Sebastian via email, without response (see, e.g., evidentiary item C).

- On February, 2003, Mr. Proksch attempted to contact inventor Sebastian at Sebastian's last known address (262 Higdon Avenue, Apt. 4, Mountain View, CA 94041) via the Certified Mail service offered by the United States Postal Service.
- The attempt to contact inventor Sebastian via Certified Mail was unsuccessful, as the package was returned undeliverable, and with no forwarding address provided (see, e.g., evidentiary item D)
- In addition, Mr. Proksch attempted to identify additional contact information on inventor Sebastian using the **www.411.com** Internet search tool, to no avail (see, e.g., evidentiary item E).
- As the period for reissue expired in October of 2003, Applicant submits that it is imperative that Applicant be allowed to proceed without the signature of the inventor Sebastian in order to preserve the Assignees rights to file a broadening reissue and capture claim scope that was not originally pursued as a result of the failure of the prosecuting attorney to fully appreciate the scope of the invention.

SUMMARY

In view of the foregoing facts, Applicant respectfully submits that a reasonable effort has been extended to identify and obtain the cooperation of inventor Peroor K. Sebastian. Despite such effort, Applicant has been unable to identify the whereabouts of the inventor. Accordingly, Applicant respectfully requests relief to prosecute the Application without the signed reissue declaration of Peroor K. Sebastian. For at least the foregoing reasons, Applicants respectfully submit that the provisions of 37 CFR 1.47 have been met and acceptance of this petition is earnestly solicited.

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,

May 5, 2004

Date

Michael A. Proksch

Michael A. Proksch, Reg. No. 43,021
Sr. Patent Counsel, Intel Corporation

Intel Corporation
PO Box 5326
SC4-202
Santa Clara, CA 95056-5326
Tel. 503.264.3059

Proksch, Michael A

From: Al Dabagh, Baraa
Sent: Monday, October 27, 2003 8:11 PM
To: Proksch, Michael A; Sandhu, Sumeet
Subject: RE: Peroor Sebastian

Item A

Let me check ...

Baraa Al-Dabagh
BWD
Intel Corporation
baraa.al.dabagh@intel.com
Phone: 408-545-6078

-----Original Message-----

From: Proksch, Michael A
Sent: Wednesday, October 22, 2003 10:18 AM
To: Sandhu, Sumeet; Al Dabagh, Baraa
Subject: Peroor Sebastian

Hi-

Do either of you have contact information for Peroor? We are trying to correct some of the IOspan Patents, and we will need his signature on certain doc's to do so... Any info you can provide would be appreciated.

Thanks,
Michael

5/5/2004

Proksch, Michael A

From: Al Dabagh, Baraa
Sent: Saturday, November 01, 2003 11:35 PM
To: Proksch, Michael A; Sandhu, Sumeet
Subject: RE: Peroor Sebastian

Item B

Michael

Sebastian Peroor
seby_k@hotmail.com

Baraa Al-Dabagh
BWD
Intel Corporation
baraa.al.dabagh@intel.com
Phone: 408-545-6078

-----Original Message-----

From: Proksch, Michael A
Sent: Wednesday, October 22, 2003 10:18 AM
To: Sandhu, Sumeet; Al Dabagh, Baraa
Subject: Peroor Sebastian

Hi-

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Thanks,
Michael

Proksch, Michael A.

From: Proksch, Michael A
Sent: Sunday, November 02, 2003 12:25 PM
To: 'seby_k@hotmail.com'
Cc: Proksch, Michael A; Brown, Karylanne
Subject: FW: Peroor Sebastian

Item C

Importance: High

Hello Sebastian-

My name is Michael Proksch, and I am a senior patent attorney for Intel Corp. As you are aware, Intel purchased the assets of your former employer, Iospan Wireless, Inc. As part of our management of this evolving portfolio of patents, we may have a need to contact you and obtain your signature on documents, etc.

Would you mind providing this information? If you would rather, please provide me with a telephone number, and I would be happy to call you and discuss it further. Depending on your availability and willingness to help, I would be happy to discuss a potential consulting arrangement to obtain your help with this portfolio.

Please let me know at your earliest convenience whether you might be available to assist us, as there is an urgent need in certain of the cases.

Many thanks,
Michael Proksch
Sr. Patent Attorney
Intel Corporation
(503.264.3059)

cc: File: P15397XR

-----Original Message-----

From: Al Dabagh, Baraa
Sent: Saturday, November 01, 2003 11:35 PM
To: Proksch, Michael A; Sandhu, Sumeet
Subject: RE: Peroor Sebastian

Michael

Sebastian Peroor
seby_k@hotmail.com

Baraa Al-Dabagh
BWD
Intel Corporation
baraa.al.dabagh@intel.com
Phone: 408-545-6078

-----Original Message-----

From: Proksch, Michael A
Sent: Wednesday, October 22, 2003 10:18 AM
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Subject: Peroor Sebastian

Hi-

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Thanks,
Michael



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: the Reissue Application of:

Robert W. Heath Jr., et al.

Examiner: TBD

Application No.: 10/678,053

Art Unit: 2634

Filed: October 2, 2003

For: **Methods of Controlling
Communication Parameters of Wireless
Systems**

From Patent: 6,298,092

Filed: June 2, 2000

Issued: October 2, 2001

Assistant Commissioner for Patents

Mail Stop: Missing Parts

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application mailed December 8, 2003, please find enclosed:

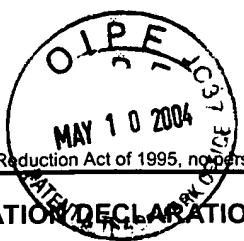
- (1) A duly executed Declaration and Power of Attorney with respect to the above-referenced patent application for 2 of 3 inventors;
- (2) A petition pursuant to 37 CFR §1.47(a) setting out Applicant's bona fide attempt to locate and obtain the signature of the 3rd inventor, along with evidentiary documentation;
- (3) A request for a 3 month extension of time; and
- (4) A fee transmittal authorizing a charge of \$1,210 for the payment of fees associated with a 3 month extension of time, a surcharge for late filing of an oath/declaration, and a petition to the Commissioner; and
- (5) A copy of the Notice to File Missing Parts of the Application;

If any additional fee is required, please charge Deposit Account No. 50-0221. An extra copy of the Fee Transmittal is enclosed for deposit charging purposes.

Respectfully submitted,
Robert W. Heath Jr., et al.

Michael A. Proksch, Reg. No. 43,021
Sr. Patent Counsel, Intel Corp.
503.264.3059

Dated: May 5, 2004



REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

P15397XR

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,298,092, granted October 2, 2001 and for which a reissue patent is sought on the invention entitled Methods of Controlling Communication Parameters of Wireless Systems,

the specification of which

☐ is attached hereto.

☒ was filed on October 2, 2003 as reissue application number 10/678.053
and was amended on October 2, 2003
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The claims originally presented (1-55 of the issued patent) received a notice of allowance on first Action. With reference to the issued '092 patent, the prosecuting attorney failed to draft or present apparatus claims drawn to a number of embodiments of the invention including, e.g., a receiver incorporating one or more aspects of the invention, and a transmitter incorporating one or more aspects of the invention. Thus, it is clear that the prosecuting attorney did not fully appreciate the scope of the invention, which caused the attorney to claim less than the Applicant was entitled to given the specification. Applicant merely wishes to correct this oversight with this reissue Application. Applicant respectfully submits that such error arose without deceptive intent, and that once it was discovered a remedy to the omission was diligently sought.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

P15397XR

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

☒ Customer Number: 25694

OR

☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Robert W. Heath, Jr.

Inventor's signature

Date

Residence Austin, TX 78729

Citizenship
USA

Mailing Address 9701 Beauchamp Square

Full name of second joint inventor (given name, family name)

Peroor K. Sebastian

Inventor's signature

Date

Residence Mountain View, CA 94041

Citizenship
India

Mailing Address 262 Higdon Ave., Apt. 4

Full name of third joint inventor (given name, family name)

Arogyaswami J. Paulraj

Inventor's signature

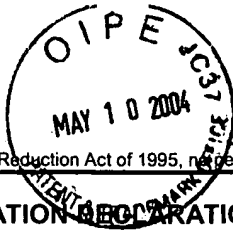
Date

Residence Stanford, CA 94305

Citizenship
India

Mailing Address 59 Peter Coutts Circle

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.

**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (Optional)

P15397XR

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,298,092, granted October 2, 2001 and for which a reissue patent is sought on the invention entitled Methods of Controlling Communication Parameters of Wireless Systems,

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☐ is attached hereto.☒ was filed on October 2, 2003 as reissue application number 10/678.053and was amended on October 2, 2003

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I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Robert W. Heath, Jr.

Inventor's signature

Date

March 10, 2004

Residence Austin, TX 78729

Citizenship

USA

Mailing Address 9701 Beauchamp Square

Full name of second joint inventor (given name, family name)

Peroor K. Sebastian

Inventor's signature

Date

Residence Mountain View, CA 94041

Citizenship

India

Mailing Address 262 Higdon Ave., Apt. 4

Full name of third joint inventor (given name, family name)

Arogyaswami J. Paulraj

Inventor's signature

Date

Residence Stanford, CA 94305

Citizenship

India

Mailing Address 59 Peter Coutts Circle

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.

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